

Summary

Media and criminal procedure are closely connected. Media play important role in conduct of the course of criminal procedure, especially by publishing information on criminal procedure.

Disclosure of information on criminal procedure can bring the media in conflict with the presumption of innocence- one of the basic principles of criminal procedure and law generally. It can also interfere with personal rights of the suspects or accused (defendants), of victims and witnesses. It is therefore important to define the borders of providing information.

There are two conflicting requirements in the area of informing the public. On one side there are journalists claiming absolute freedom of speech, on the other side stand those who prefer right to privacy.

The purpose of this thesis is to analyze current legal regulation of informing in criminal procedure, especially the new amendment (No. 52/2009 Coll.) to the Criminal Code, which has brought some restrictions to providing and publishing information and was broadly discussed by the experts and by the public. At the present time, on demand of a group of Senators, this novel is being examined by the Constitutional court.

Interpretation and application of Sections 8a and 8b of the Code of Criminal Procedure are emphasized.

Chapter One of this thesis brings the definition of „media“, their meaning for criminal procedure and the public and deals mostly with sociological aspects.

Chapter Two provides an overview of valid legislation and other regulations connected with the media functioning (complex outline on media functioning).

Problems of providing and publishing in general are subject matter of Chapter Three and in various stages of criminal procedure – pre-trial court and court by trial are analyzed in the Chapter Four and Five.

Chapter Five deals with special legal protection of the aggrieved party, which was the main reason for adoption of the Act No. 52/2009 Coll. and with topics closely bound with questions of disclosure of information in criminal proceedings, such as the

principle of publicity and freedom of speech in relation to obstructing authority and impartiality of the court.

Chapter Six depicts consequences of illegal disclosure of information.

In the finishing process of this thesis, two bills concerning information in criminal procedure were discussed in the Chamber of Deputies and therefore they are classified and analyzed at the end of this thesis as „de lege ferenda“ option.

The Act No. 52/2009 Coll., in effect from 1 April 2009, has become a target of criticism for the media, which has denominated it a „muzzle act“ (in Czech náhubkový zákon). This Act is primarily supposed to protect privacy of the aggrieved parties but also of witnesses, accused and participating persons.

In my opinion, establishment of protection of privacy and personal life and increased interest in fulfillment of the scope of criminal procedure are well-founded. The question is whether the protection is (not) too strong and in conflict with the constitutional order. Only Constitutional court is entitled to judge.